

REMARKS

The Examiner asserts that the Application includes three species and requires Applicants to elect one of the species for examination.

Requirements for Restriction of Claims

The MPEP provides guidance to examiners in rejecting claims. In particular, MPEP section 803 discusses when restriction is proper. MPEP section 803.I states (on pg. 800-4):

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent . . . or distinct as claimed . . . ;
and

(B) There would be a serious burden on the examiner if restriction is not required . . .

The MPEP further states that "Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the restriction requirement in most cases." MPEP sec. 803.II, at 800-4.

The Examiner asserts that "The species are independent or distinct because they show different embodiments." Paper 0506, at 2. The Examiner further asserts that "Currently, no claim is generic." Applicants respectfully submit that the Examiner has not met his burden of providing reasons and/or examples to support his conclusions. The statement that there are different embodiments without any showing by the Examiner that the embodiments are individually claimed is not sufficient to make a *prima facie* showing to support the restriction requirement. Further, the Examiner has not shown that the disclosed embodiments will result in any burden on the Examiner in examining the claims. In particular, Applicants assert that the claimed invention, with all embodiments, will not require separate classification and field of search.

Accordingly, Applicants respectfully submit that the Examiner has not made a *prima facie* showing to support a restriction requirement. Applicants respectfully request the Examiner to withdraw the restriction requirement and reinstate the withdrawn claims.

Election of Claims

The Examiner asserts that Species a is drawn to figures 1, 2, 5 with figures 3 and 4. Applicants respectfully submit that Claims 1, 2, 5, 6, 7, 11, and 13 are directed toward the embodiment of the face plate **402** illustrated in Figures 3 and 4.

The Examiner asserts that Species b is drawn to figures 1, 2, 5 with figure 6. Applicants respectfully submit that Claims 1, 3, 5, 6, 8, 11, and 14 are directed toward the embodiment of the face plate **602** illustrated in Figure 6.

The Examiner asserts that Species c is drawn to figures 1, 2, 5 with figure 7. Applicants respectfully submit that Claims 1, 4, 5, 6, 9, 10, 11, and 14 are directed toward the embodiment of the face plate **702** illustrated in Figure 7.

Applicants elect, with traverse, Species c, which includes Claims 1, 4, 5, 6, 9, 10, 11, and 14. Accordingly, Applicants withdraw Claims 2, 3, 7, 8, 12, and 13.

Traverse of Withdrawn Claims

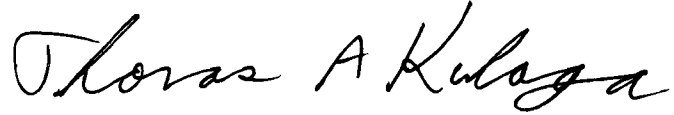
Applicants traverse withdrawn Claims 2, 3, 7, 8, 12, and 13. The Examiner asserts that "The species are independent or distinct because they show different embodiments." Paper 0506, at 2. The Examiner further asserts that "no claim is generic." *Id.* Applicants respectfully submit that Independent Claims 1, 6, and 11 are generic because the claims are not limited to any one of the embodiments illustrated in the Application. Accordingly, Applicants respectfully request the Examiner to withdraw the restriction requirement and reinstate the withdrawn claims.

Conclusion

In view of the election of Claims 1, 4, 5, 6, 9, 10, 11, and 14, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Further, because of the traverse of the withdrawn claims, it is believed that Claims 2, 3, 7, 8, 12, and 13 are also allowable and should be reinstated. Such action by the Examiner is respectfully requested. If, however, the Examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the Examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 50-3827 (05017-UPA).

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas A. Kulaga". The signature is written in a cursive style with a large, stylized 'T' and 'K'.

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